

MONTANA LEGISLATIVE HISTORY

Chapter 191 1969

Bill H _____ S 122 Original bill & history no c

H. Committee on Judiciary

Hearing Date(s) _____ c

2/11 ✓ c

_____ ✓ c

2/12 _____ c

Date Out 2/13 ✓ c

S. Committee on Judiciary

Hearing Date(s) _____ c

1/21 ✓ c

_____ c

_____ c

out 1/23 ✓

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

1 BE NO CONCURSED BY
2 BE ADOPTED
3 BE NOT ADOPTED

JANUARY 22 1967

AL. PRISONER.

We, your committee on Legislative

are now under consideration Senate SB No. 122

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 40-3512 TO PREVENT DISCRIMINATION WITH REGARDS TO RACE, COLOR, AGE OR NATIONAL ORIGIN IN PROPERTY, CASUALTY AND SURETY INSURANCES: R.C.M. 1967."

Respectfully report as follows that Senate SB No. 122

be amended to read as follows:

Amend on page 2, Section 1, subparagraph (b) of the original bill, commencing with the word "No" and including the word "insurance," by striking in its entirety and inserting in lieu thereof the following words and punctuation:

"No such insurer shall make or permit any unfair discrimination either between insureds of property having like insurances or like character, or between insureds because of race, color, creed, age or national origin, in the premium or fees charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the insurance."

and as so amended

SENATE JUDICIARY COMMITTEE MEETING - January 21, 1969

The meeting was called to order by the Chairman, Senator Gilfeather. All the members were present.

Senate Bills 121 and 122 were considered by the committee. Senator Lynch explained these bills to the committee. It was decided to let the insurance men appear before the committee before any action was taken on these bills. The Chairman appointed Senator Lynch to draw amendments to these bills.

Senate Bills 128 and 129 were considered by the committee. They were explained by Senator Gilfeather. After consideration of these bills, Senator Haughey made a motion, seconded by Senator Sheehy, that Senate Bill No. 128 do pass. The motion was carried. A motion was made by Senator Haughey, seconded by Senator Sheehy, that Senate Bill No. 129 do pass. The motion was carried.

Senate Bill No. 142 was considered by the committee. A motion was made by Senator Turnage, seconded by Senator Sheehy, that Senate Bill No. 142 do pass. The motion was carried.

Senate Bill No. 66 was considered by the committee. After consideration, Senator Sheehy informed the committee that he would prepare an amendment for this bill and submit it for consideration.

Senate Bill No. 65 was considered by the committee. The bill was explained by Senator Sheehy. Senator Haughey made a motion, seconded by Senator Lynch, that Senate Bill No. 65 do pass. The motion was carried.

Senate Bill No. 69 was considered by the committee. Senator Rehberg explained this bill to the committee. Senator Turnage moved, seconded by Senator Stephens, that Senate Bill No. 69 do not pass. The motion was carried.

The meeting was called to order by the Chairman, Senator Gilfeather. All the members were present.

Senate Bill No. 68 was considered by the committee. Senator Drivi, chief sponsor of the bill, appeared before the committee in behalf of the bill. Senator Drivi said that the bill should be re-drafted and perhaps it should be killed if there is not time to have it re-drafted. Albert Erickson, representing the Montana Automobile Association from Helena, appeared before the committee in support of this bill. He told the committee that, he feels from a motorists standpoint this will help the people on the highway. Chad Smith and John Risken also appeared before the committee in opposition to this bill.

Senate Bill No. 69 was considered by the committee. Senator McDonald, chief sponsor of this bill, appeared before the committee in behalf of the bill.

Senate Bill No. 78 was then considered by the committee. Senator Ryberg, chief sponsor of the bill, introduced A. L. Libra, a Helena attorney, who appeared before the committee in support of this bill. He informed the committee that he drafted this proposed bill and didn't know of any substantial objections from anyone. He told the committee that if there was a license and a bond on people in the collection agency business, they couldn't get away with any money. He said that the proposed bill would either keep these people out in the beginning or something could be done about them if they did get into the business. He said the license fee would run from \$20.00 to \$100.00 and the investigation fee runs from \$10.00 to \$50.00 in other states. He feels the fees should be proportionate in relation to the size of the city. A small city wouldn't have as many cases as a larger city. Roderic Gudge, representing the Montana State Pharmaceutical Association, appeared before the committee in support of this bill. Also appearing in support of this bill were Mr. McGinty from Billings and Mr. Swartz from Missoula.

Senate Bills 121 and 122 were considered by the committee. Senator Lynch, the chief sponsor of these bills, spoke on behalf of them. Chad Smith, representing American Mutual Insurance Alliance; and John Risken, representing American Insurance Association, appeared before the committee in opposition to these bills.

Senate Bills 79 and 80 were considered by the committee. After consideration, Senator Gilfeather made a motion, seconded by Senator Lynch, that these bills be considered at some later meeting.

House Bill No. 95 was considered by the committee. After consideration, Senator Haughey made a motion, seconded by Senator Sheehy, that House Bill No. 95 be concurred in. The motion was carried.

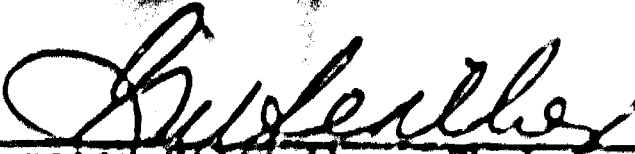
Senate Bill No. 89 was considered by the committee. After consideration, Senator Sheehy made a motion, seconded by Senator Haughey, that Senate Bill No. 89 do not pass. The motion was carried.

Senate Bill No. 121 was considered by the committee. Senator Sheehy made a motion, seconded by Senator Lynch, that the following amendment be made: Amend on page 1, Section 1, lines 17 through of the original bill, commencing with the word "in" and including the word "fee.", by striking in its entirety and inserting lieu thereof the following words and punctuation: "In any action against an insurance company where plaintiff's claim does not exceed the sum of three hundred dollars (\$300), cost of the action shall include the award of a reasonable attorney's fee not exceed one hundred dollars (\$100)." The motion was carried. Senator Sheehy made a motion, seconded by Senator Lynch, that Senate Bill No. 121, as amended, do pass. The motion was carried.

Senate Bill No. 122 was considered by the committee. Senator Haughey made a motion, seconded by Senator Lynch, that the following amendment be made: Amend on page 2, Section 1, subparagraph (3) the original bill, commencing with the word "No" and including a word "insurance.", by striking in its entirety and inserting lieu thereof the following words and punctuation: "No such insurer shall make or permit any unfair discrimination either between insureds or property having like insuring or risk characteristics, or between insureds because of race, color, creed, sex or natural origin, in the premium or rates charged for insurance, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the insurance." The motion was carried. Senator Haughey made a motion, seconded by Senator Sheehy, that Senate Bill No. 122, as amended, do pass. The motion was carried.

Senate Bill No. 78 was discussed by the committee. After consideration, Senator Gilfeather appointed Senators Sheehy, Turnage and Rehberg as a sub-committee to work on amending this bill.

There being no further business, Senator Goodheart made a motion, seconded by Senator Haughey, that the meeting be adjourned. The motion was carried.


Senator Gilfeather, Chairman

February 11, 1969

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in the Committee Room 300, of the Capitol Building, at 9:00 a.m., February 11, 1969. Chairman Murphy presided and all members were present except Representatives Scott, Smith and Stimatz.

Chairman Murphy called the meeting to order and stated that it was his understanding that the committee would like to reconsider its action taken on House Bill No. 360. Rep. Baeth moved that the committee reconsider its action taken on House Bill No. 360 yesterday. Upon being put to a vote the motion carried unanimously.

Rep. Mather then explained House Bill No. 360 and questions were asked by the committee members. Rep. Mather was then excused.

Senator Frank Hazelbaker was then asked to explain Senate Bill No. 37, and after questions, he was excused.

Senator Gilfeather then explained Senate Bills 128 and 129 which are companion bills. After questions, he was then excused.

Senator Lynch, chief sponsor of Senate Bills 79 and 80 appeared and asked Sen. Haughey to explain these bills.

Senator Lynch was then going to explain Senate Bills 121 and 122 but it was discovered that the copies which the members of the committee had were not the correct copies of these bills, and asked if the hearing could be continued until tomorrow.

Chairman Murphy announced that the first bill for discussion and action by the committee would be Senate Bill No. 129, additions to jurisdiction of court to liquidate assets and affairs of corporations.

SB 129: Rep. Harrison moved that Senate Bill 129. BE CONCURRED IN. The motion passed unanimously.

Senate Bill No. 128, additions to jurisdiction of court to liquidate assets and affairs of corporations, which is a companion bill to SB 129 was then discussed. Chairman Murphy had been given some proposed amendments to this bill and read the same to the members. Rep. Hemstad then moved that the following amendments be adopted:

Senate Bill No. 128, additions to jurisdiction of court to liquidate assets and affairs of corporations, which is a companion bill to SB 129 was then discussed. Chairman Murphy had been given some proposed amendments to this bill and read the same to the members. Rep. Hemstad then moved that the following amendments be adopted:

Be amended on page 1, line 15 of the title of the original bill, being page 1, line 14 of the title of the printed bill following the words "AND/OR" by striking the word "STOCKHOLDERS" and inserting in lieu thereof the word "SHAREHOLDERS" and further amend Section 1, page 1, line 8 of the original bill, being page 1 line 41 of the printed bill, before the word "legally" by striking

1967, being continued under the supervision of a court having jurisdiction, except as to any property, property rights or other assets, including money, which might be found after the conclusion of said pending proceedings."; and

further amend Section 3, page 4, line 10 of the original bill, being page 4, line 1, of the printed bill, after the word "section" by striking "3" and inserting in lieu thereof "4".

The motion carried unanimously.

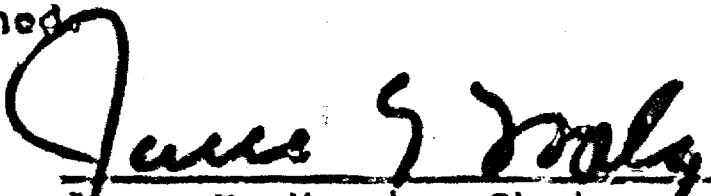
SB 128: Rep. Baeth moved that Senate Bill No. 128, DO CONCURRED IN, AS AMENDED. The motion carried unanimously.

Chairman Murphy announced that because the committee members did not have the printed copies of Senate Bills 37, 79, 80, 121 and 122, that these bills would be passed for the day.

House Bill No. 360, providing for a unitary method of airline flight property assessment, was then reconsidered by the committee and the following action taken:

HB 360: Rep. Harrison moved that House Bill No. 360, DO PASS. The motion carried unanimously.

There being no further business to come before the meeting, the same was adjourned.


James E. Murphy, Chairman

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in the Committee Room 300, of the Capitol Building, at 9:30 a.m., February 12, 1969. Chairman Murphy presided and all members were present except Representatives Hemstad, Kolstad, Prevost, Smith and Stimatz.

Chairman Murphy called the meeting to order, and Senator Lynch was present to explain Senate Bills 121 and 122. Several questions were asked by the committee members on these bills and then Senator Lynch was excused.

Chairman Murphy stated that the first bill for consideration would be Senate Bill No. 37, having to do with civil defense. After some discussion, Rep. Loble moved that Senate Bill 37 be passed for the day. The motion carried.

Senate Bill No. 79, re nonresident beneficiary of 50% of estate to request court or judge to appoint administrator, was then considered.

SB 79: Rep. McCulloch moved that Senate Bill No. 79, BE CONCURRED IN. The motion carried unanimously.

Senate Bill No. 80, re the order of persons entitled to administer--beneficiary of 50% or more of the estate, was then acted on.

SB 80: Rep. Speare moved that Senate Bill No. 80, BE CONCURRED IN. The motion carried unanimously.

Chairman Murphy asked if the committee was ready to act on Senate Bills 121 and 122 today. Rep. Harrison moved that Senate Bills 121 and 122 be passed for the day. The motion carried unanimously.

House Bill No. 110, to revise the law of eminent domain was then discussed. Rep. Scott moved that House Bill No. 110 be passed for the day. Rep. Harrison made a substitute motion that House Bill No. 110, DO NOT PASS. The substitute motion, upon being put to a vote carried.

House Bill No. 513, increasing salaries for Justices of the Peace was then discussed. Rep. McCulloch moved that this committee send House Bill No. 513 to the State Administration Committee because they have a similar Senate Bill. The motion carried unanimously.

Rep. Nyquist then made a motion that the action of

February 13, 1969

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in the Committee Room 300, of the Capitol Building, at 9:00 a.m., February 13, 1969. Chairman Murphy presided and all members were present except Representatives Baeth, Stimatz, White and Williams.

Chairman Murphy called the meeting to order and Senator Turnage, chief sponsor of Senate Bill No. 146, explained same and answered questions from the committee members. He was also chief sponsor of Senate Bill No. 158 and explained this bill in detail. After questions from the committee members, Senator Turnage was then excused. No opponents appeared on either of these bills.

Mr. Chad Smith, representing the American Mutual Insurance Alliance, appeared and spoke on Senate Bill No. 122. He stated he was not opposed to the entire bill as proposed, but explained that he would like to see the "age" portion stricken from the bill and explained to the members his reasons for same. Also appearing in support of amending was Walter J. Nilan, representing the Farmers Insurance Group. After questions from the committee members, the witnesses were excused.

Senator Dertsche, chief sponsor of Senate Bill No. 155, explained same to the committee members and then was excused.

Chairman Murphy then asked if Rep. Loble was ready to support Bill No. 37, to provide immunity from

prosecution for civil defense

liability to owners of facilities used for civil defense activities. Rep. Noble explained the bill and then moved for the adoption of the following amendments:

Be amended on page 1, line 29, of the original bill, being page 2, line 18 of the printed bill, and before the word "for" by striking the word "licensed" and inserting in lieu thereof the word "used" and further amend on page 1, line 30, of the original bill, being page 2, line 18, of the printed bill, after the word "shelters" by adding the following material: "pursuant to a fallout shelter license or privilege agreement".

The motion carried.

SB 37: Rep. Noble then moved that Senate Bill No. 37, BE CONCURRED IN, AS AMENDED. The motion carried.

✓ Chairman Murphy stated the next bill for consideration and action would be Senate Bill No. 122, to prevent unfair discrimination relating to property, casualty and surety insurance. Rep. Nyquist moved for the adoption of the following amendments:

Be amended on page 1, line 6, in the title of the original bill, being page 1, line 3, in the title after the word and punctuation "COLOR," by striking the word "AGE" and further amend on page 2, line 11,

of the original bill, being page 2, line 20, of the printed bill, before the word "origin" by striking the words "age or natural" and inserting in lieu thereof the words "or national".

The motion carried.

SB 122: Rep. Nyquist then moved that Senate Bill No. 122, BE CONCURRED IN, AS AMENDED. The motion carried.

Senate Bill No. 121, construction of insurance policies - to include reasonable attorney fee, was then discussed.

SB 121: Rep. Kolstad moved that Senate Bill No. 121, BE NOT CONCURRED IN. The motion carried.

Senate Bill No. 155, re judges retirement system - final salary upon date of retirement, was then discussed at length by the committee and the following action taken:

SB 155: Rep. Loble moved that Senate Bill No. 155, BE NOT CONCURRED IN. The motion carried.

It was decided by the members of the committee that Senate Bill No. 150 should be passed for the day.

Senate Bill No. 142, to permit U. S. Immigration and Naturalization officers to carry concealed weapons without permit, was then considered.

STANDING COMMITTEE REPORT

8 AMENDED.

February 13,

69

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LEGISLATIVE JUDICIARY

Senate

Bill No. 122

ENTITLED: "AN ACT AMENDING SECTION 40-3512 TO
TION WITH REGARDS TO RACE, COLOR, AGE OR NATIONAL
CASUALTY AND SURETY INSURANCES, R.C.M. 1947."
KES AND WEAPONS WITHOUT A PERMIT.

Respectfully report as follows That Senate Bill No. 122

Be amended on page 1, line 6, in the title of the original bill, being
page 1, line 3, in the title of the printed bill, after the word and
punctuation "COLOR," by striking the word "AGE" and

further amend on page 2, line 11, of the original bill, being page 2,
line 28, of the printed bill, before the word "origin" by striking
the words "~~age-or-national~~" and inserting in lieu thereof the words
"or national" and

AS AMENDED, BE CONCURRED IN.

DO PASSED CONCURRED IN.

DO PASS

the commercial areas thereof as determined by the board, or the transportation of newspapers, newspaper supplements, periodicals or magazines, or those tow trucks and wreckers designed and exclusively used in towing abandoned, wrecked or disabled vehicles or while such tow trucks and wreckers are rendering assistance to abandoned, wrecked or disabled vehicles, or ambulances.

"For hire."

(i) The words 'for hire' mean for remuneration of any kind, paid or promised, either directly or indirectly, or received or obtained through leasing, brokering or buy-and-sell arrangements whereby a remuneration is obtained or derived for transportation service. An accommodative transportation movement by a person not in the transportation business shall not be construed as a service for hire, even though the persons owning the property transported or persons transported share in the cost or pay for the movement. Nothing in this act shall be construed so as to prevent bona fide leases, brokerage agreements or buy-and-sell agreements.

"Compensation."

(j) The word 'compensation,' as used in this act, shall mean the charge imposed upon motor carriers in consideration of the use of the highways in this state by such motor carriers, as provided in section 8-116.

"Railroad."

(k) The word 'railroad' means the movement of cars on rails, regardless of the motive power used therefor."

Approved: March 3, 1969.

CHAPTER 191

An Act Amending Section 40-3512 to Prevent Discrimination With Regards to Race, Color, or National Origin in Property, Casualty and Surety Insurances: R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 40-3512 is amended to read as follows:

Unfair discrimination, rebates prohibited—property, casualty, surety insurances.

"40-3512. **Unfair discrimination, rebates prohibited—property, casualty, surety insurances.** (1) No property, casualty or surety insurer or any employee or representative thereof, and no agent, or solicitor shall pay, allow,

or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in the policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy, except to the extent provided for in an applicable filing with the commissioner as provided by law.

(2) No insured named in a policy, nor any employee of such insured shall knowingly receive or accept directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement.

(3) *No such insurer shall make or permit any unfair discrimination either between insureds or property having like insuring or risk characteristics, or between insureds because of race, color, creed, or national origin, in the premium or rates charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the insurance.*

(4) Nothing in this section shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents, or solicitors, or as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, lawful dividends, savings or unabsorbed premium deposits."

Approved: March 3, 1969.

CHAPTER 192

An Act Amending Section 93-1906, R.C.M. 1947, to Change the Salaries of Court Reporters From Eight Thousand Eight Hundred Dollars to Nine Thousand Two Hundred Dollars Per Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-1906, R.C.M. 1947, is amended to read as follows:

Amending clause.